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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/711,150

08/27/2004

James Anderson

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28395 7590 09/14/2007  
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EXAMINER

GATES, ERIC ANDREW

ART UNIT

PAPER NUMBER

3722

MAIL DATE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/711,150	<b>Applicant(s)</b> ANDERSON ET AL.	
	<b>Examiner</b> Eric A. Gates	<b>Art Unit</b> 3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 June 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 9-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 17-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 28 June 2007 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4, 5, 17, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Bratten (U.S. Patent 6,116,616).

4. Regarding claim 1, Bratten discloses a machining system 10 having a machining envelope, the machining system comprising: a housing 20/26 defining at least a portion of the machining envelope (the machining envelope is the area above housing 20/26, the bottom of the envelope defined by the top opening created by plates 20); a hopper 22 having a top surface 30/31 defining an opening (the opening is defined as the area

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between channels 31); and a seal 24 extending from the top surface to the housing (as seen in figure 3) such that the seal does not extend into the opening; wherein the hopper is configured to receive particulates when positioned below the machining envelope.

5. Regarding claim 2, Bratten discloses a lift platform (fixed skids of varying heights can be employed enabling fork lift handling of the trough, see column 3, lines 24-27) adapted to raise the hopper to position the seal adjacent to the housing and the top surface.

6. Regarding claim 4, Bratten discloses a bottom panel (fixed skids of varying heights can be employed enabling fork lift handling of the trough, see column 3, lines 24-27) and at least one channel adapted to receive a forklift fork disposed proximate the bottom panel.

7. Regarding claim 5, Bratten discloses a funnel 20 adapted to direct particulates into the hopper 22 disposed on the housing 20/26 above the hopper and below the machining envelope.

8. Regarding claim 17, Bratten discloses a machining system 10 comprising: a housing including: an upper portion 20 defining a machining envelope (the machining envelope is the area above upper portion 20, the bottom of the envelope defined by the top opening created by plates 20); a lower portion (not labeled, but seen in figure 1 surrounding trough 22) disposed proximate the upper portion, the lower portion having an access port (as seen in figure 1); and a mating portion 26 disposed proximate the

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upper and lower portions defining a first aperture, the mating portion having a bottom surface; and a chip hopper 22 adapted to be inserted through the access port into the lower portion, the chip hopper including: a top surface 31 defining a second aperture; and a seal 24 disposed on the top surface such that the seal extends around and is spaced apart from the opening; wherein the seal engages the bottom surface of the mating portion to inhibit particulates from exiting the housing.

9. Regarding claim 19, Bratten discloses wherein the lower portion further comprises a lift mechanism adapted to raise the chip hopper to engage the seal with the bottom surface (fixed skids of varying heights can be employed enabling fork lift handling of the trough, see column 3, lines 24-27; these skids are also capable of being utilized to raise the chip hopper to engage the seal with the bottom surface).

### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bratten.

12. Regarding claim 18, Bratten discloses the invention substantially as claimed, except Bratten does not distinctly disclose wherein the lower portion further comprises a second access port adapted to permit removal of the chip hopper disposed opposite the first access port. However, it would have been obvious to one having ordinary skill in

the art at the time the invention was made to have an access port on the opposite side of the machine for the purpose of removing the hopper from either side of the machine, because it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

13. Claims 3 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bratten in view of DeMarco (U.S. Patent 6,569,217).

14. Regarding claim 3, Bratten discloses wherein the hopper further comprises a bottom panel (see figure 1). Bratten does not disclose a set of wheels disposed proximate the bottom panel.

DeMarco teaches the use of wheels 28/30 on a dust collector 10 for the purpose of enabling the collector to be mobile. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have combined the hopper of Bratten with the wheels of Demarco in order to have a hopper that can be more easily removed from the machine system.

15. Regarding claim 20, Bratten discloses the invention substantially as claimed, except Bratten does not disclose wherein the chip hopper further comprises a bottom panel having a set of wheels and at least one channel adapted to receive a forklift fork.

DeMarco teaches the use of wheels 28/30 and forklift channels 20/22 on a dust collector 10 for the purpose of enabling the collector to be more easily moved. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have combined the hopper of Bratten with the wheels and

forklift channels of Demarco in order to have a hopper that can be more easily removed from the machine system.

16. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bratten in view of McGregor et al. (U.S. Patent 6,112,504).

17. Regarding claim 6, Bratten discloses the invention substantially as claimed, except Bratten does not disclose a blower adapted to blow particulates into the hopper. McGregor et al. teaches the use of a blower 38 for the purpose of blowing particulates into the hopper 12. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have combined the system of Bratten with the blower of McGregor et al. in order to have a system that more effectively directs the particulates into the hopper.

18. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bratten in view of McGregor and further in view of DeMarco.

19. Regarding claims 7 and 8, Bratten discloses the invention substantially as claimed, except Bratten does not disclose the hopper further comprises a housing vent disposed below the funnel and a filter adapted to allow pressurized air to exit the hopper and prevent particulates from exiting the hopper disposed proximate the housing vent.

Demarco teaches the use of a vent pipe 354 and vent flap 356 and a filtering unit 222 for the purpose of allowing purified air to be released to the atmosphere. Therefore it would have been obvious to one having ordinary skill in the art at the time the

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invention was made to have combined the system of Bratten with the vent and filter of Demarco in order to have a system that runs cleaner and is more environmentally friendly.

### ***Response to Arguments***

20. Applicant's arguments with respect to claims 1 and 17 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric A. Gates whose telephone number is (571) 272-5498. The examiner can normally be reached on Mon-Thurs 8:45 - 6:15.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on (571) 272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



EAG

7 September 2007



MONICA CARTER  
SUPERVISORY PATENT EXAMINER